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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JORGE MARTINEZ,

Defendants.

No. CR 07-00522 RMW

STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME

SAN JOSE VENUE

On August 28, 2007, the parties in this case appeared before the Court for status conference. The parties jointly requested that the case be continued from August 28, 2007, until October 9, 2007 at 9:00 a.m. in order for counsel for defendant and the Government to discuss a possible resolution of the case. In addition, the parties requested an exclusion of time under the Speedy Trial Act from August 28, 2007 to October 9, 2007 at 9:00 a.m. The parties agree and stipulate that an exclusion of time is appropriate based on the defendant's need for effective preparation of counsel.

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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE


US ATTORNEY OFFICE Fax

Sep 19 2007 04:26pm P003/003


1 SO STIPULATED:

SCOTT N. SCHOOLS
United States Attorney

3 DATED:



THOMAS M. O'CONNELL
Assistant United States Attorney

7 DATED:


ALFREDO MORALES
Counsel for MARTINEZ

9 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded
10 under the Speedy Trial Act from to August 28, 2007 to October 9, 2007. The Court finds, based
11 on the aforementioned reasons, that the ends of justice served by granting the requested
12 continuance outweigh the best interest of the public and the defendant in a speedy trial. The
13 failure to grant the requested continuance would deny defense counsel reasonable time necessary
14 for effective preparation, taking into account the exercise of due diligence, and would result in a
15 miscarriage of justice. The Court therefore concludes that this exclusion of time should be made
16 under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

17 SO ORDERED.

19 DATED: 10/4/07
RONALD M. WHYTE
United States District Judge